

**ZB# 97-43**

**Vincent Yonnone**

**37-1-16.1**

Prelim.

Settled out 4/19

October 2, 1997

Photos - of ~~photos~~ <sup>Pres.</sup>

~~Dead of native to French~~

Public Hearing:

Dec. 8, 1997.

Area.

Variance

Approved 4-0

Refund \$ 394.00

# 97-43- Yonnone, Vincent

Area - 37-1-16.1

DATE Nov 19, 1997 RECEIPT 340807

RECEIVED FROM Yonnones Auto Repair

Address \_\_\_\_\_

One Hundred fifty 00/100 DOLLARS \$ 150.00

FOR ZBA # 97-43

ACCOUNT		HOW PAID	
DEBITING		CASH	#104118
CREDIT		CHECK	15000
BALANCE		MONEY	
DATE		ORDER	

BY Town Clerk  
Dorothy H. Hansen  
sh



PAID	DATE	BY	AMOUNT	REMARKS
				DOLBY, A. HENDER
				304





#97-43- Lynmore, Vincent  
Area - 37-1

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Yonnone

FILE# 97-43

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE ..... \$ 150.00

\*

\*

\*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 10/27/97 ..... \$ 13.50  
2ND PRELIMINARY-PER PAGE 12/8/97-5 ..... \$ 22.50  
3RD PRELIMINARY-PER PAGE ..... \$ .....  
PUBLIC HEARING - PER PAGE ..... \$ .....  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ .....

TOTAL ..... \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 10/27 ..... \$ 35.00  
2ND PRELIM. 12/8/97 ..... \$ 35.00  
3RD PRELIM. .... \$ .....  
PUBLIC HEARING. .... \$ .....  
PUBLIC HEARING (CONT'D) ..... \$ .....

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ .....

TOTAL ..... \$ 106.00

LESS ESCROW DEPOSIT ..... \$ 500.00

(ADDL. CHARGES DUE) ..... \$ .....

REFUND DUE TO APPLICANT ..... \$ 394.00

Refund

paid ck #  
10418  
11/19/97

paid ck  
# 10419

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

.TO

Yonnone's Auto Repair, Inc.  
2984 Route 9W  
N.W.

DR.

[illegible]

In the Matter of the Application of

VINCENT YONNONE

#97-43.

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES

**WHEREAS, VINCENT YONNONE, 82 Merline Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 30 ft. front yard variance for construction of canopy at service station located at 2894 Route 9W in an NC zone; and**

**WHEREAS, a public hearing was held on the 8th day of December, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared before the Board himself; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located on a busy, multi-lane state highway in a neighborhood of commercial properties.

(b) The subject premises is a gas station and if the variance is granted the Applicant intends to eliminate three (3) gasoline pumps.

(c) The variances are requested for the purpose of constructing a canopy over the pumps.

(d) The canopy, if permitted, will contain a fire suppression system while there is not



now a fire suppression system on the premises, there being no canopy.

(e) The ground under the proposed canopy is paved and the variance, if granted, would allow the construction of a canopy which would not cause the removal or moval of any trees or vegetation.

(f) The variance if granted will allow the construction of a canopy which would not create any additional water hazards. The Applicant has provided for drainage of rain water from the roof of the canopy which rain water now falls upon the ground and is dispersed by sheet flow. Thus construction of the canopy would enhance the drainage of the area.

(g) If the Applicant is permitted to construct the proposed canopy, the surface of the ground underneath the proposed canopy will not be changed.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature and location of the property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because the improvements proposed by the Applicant would enhance the safety of the public using the facility and would improve the facility.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

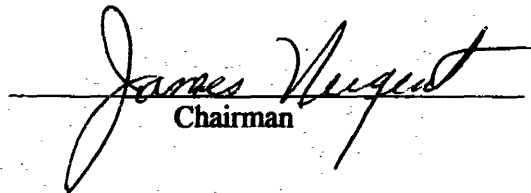
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 30 ft. front yard variance for construction of canopy at service station located at above address in an NC zone, as sought by the Applicant in connection with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 26, 1998.

  
Chairman

YONNONE'S AUTO REPAIR, INC  
2984 ROUTE 9W  
NEW WINDSOR, NY 12553

EXPLANATION	AMOUNT

29-1/213

1041

PAY  
AMOUNT  
OF

*One Hundred Fifty Dollars and 00/100*

DOLLARS

CHECK  
AMOUNT

DATE	TO THE ORDER OF	CHECK NUMBER
1-19-97	Town of New Windsor 28A #97-43	10418

\$ *150.00/100*



VAIS GATE,  
N.Y. 12584

*Anna Yonnore*

⑈010418⑈ ⑆021300019⑆ 522 1000783⑈

YONNONE'S AUTO REPAIR, INC  
2984 ROUTE 9W  
NEW WINDSOR, NY 12553

EXPLANATION	AMOUNT

29-1/213

1041

PAY  
AMOUNT  
OF

*Five Hundred Dollars and 00/100*

DOLLARS

CHECK  
AMOUNT

DATE	TO THE ORDER OF	CHECK NUMBER
1-19-97	Town of New Windsor 28A #97-43	10417

\$ *500.00/100*



VAIS GATE,  
N.Y. 12584

*Anna Yonnore*

⑈010417⑈ ⑆021300019⑆ 522 1000783⑈

Date 12/19/97, 19.....

**TOWN OF NEW WINDSOR**

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Drury La DR  
Newburgh NY 12550

DATE			CLAIMED	ALLOWED
12/19/97		Town Board Mtg	75.00	
		Misc. - 3		
		Brooks - 7		
		Alkus - 1		
		Gannone - 5 22.50		
		Gaccho - 5		
		Atsaro - 5	117.00	
		26		
			192.00	

PUBLIC HEARING:

YANNONE, VINCENT

MR. NUGENT: Request for 30 ft. front yard variance for construction of canopy at service station, 2894 Route 9W in an NC zone. Let the record show there's no one in the audience.

MS. BARNHART: Even though we sent out 9 addressed envelopes and notices to adjacent property owners on the list.

MR. TORLEY: Only nine?

MS. BARNHART: Well, he's on 9W so--

MR. NUGENT: Okay, tell the board what you want to do.

MR. YANNONE: I want to--

MR. NUGENT: You got a picture of it?

MR. YANNONE: Pat should have pictures of it.

MS. BARNHART: I have got them right here.

MR. NUGENT: These back pumps you're eliminating?

MR. YANNONE: Yes, this is the pumps we took out, we're the pumps that are on the south side of my yard I deleted, the other set of pumps I put new. I moved them back ten foot now I need a variance from the road to the canopy.

MR. KRIEGER: This canopy if you are allowed to construct it will have a fire suppression system in it?

MR. YANNONE: Yes.

MR. KRIEGER: There is not now a fire suppression system?

MR. NUGENT: There's no canopy.

MR. KANE: You're putting the canopy for the safety of your customers around the pumps?

MR. YANNONE: Yeah, the whole station.

MR. KANE: Do other stations in the area have similar type canopies?

MR. YANNONE: Yup.

MR. KANE: Would the construction of the canopy, have you removed any trees or made any water hazards, anything like that environmental?

MR. YANNONE: No, the other ones were over here, I moved them back in here.

MR. KRIEGER: It won't change the flow of water or the drainage of water creating ponding?

MR. YANNONE: No.

MR. REIS: This doesn't affect your neighbors, any signage or anything like that?

MR. YANNONE: No.

MR. KRIEGER: It's not going to block the view of anything?

MR. YANNONE: No, see this island here is deleted, this is the new one, but the edge of this here is right where the old pumps used to be so I had to go out closer to the line.

MR. BABCOCK: Actually, when the cars park for gas, they are going to be farther on his property now than they were.

MR. KANE: With the other pumps?

MR. BABCOCK: Right.

MR. KANE: So everything you have done is to improve

the safety conditions on this particular lot for your operation?

MR. YANNONE: Yes.

MR. KRIEGER: How do you handle the drainage off the roof of the canopy?

MR. YANNONE: It has a gutter system.

MR. KRIEGER: Downspout and gutter system and where does the water go when it goes out of the downspout?

MR. YANNONE: Just on the blacktop.

MR. KRIEGER: Where on the blacktop?

MR. TORLEY: On the other hand, it was blacktop before so--

MR. KRIEGER: I understand that but the leader would create a stream of water, you'd have sheet flow without that, I just want to make sure the stream of water isn't going in.

MR. YANNONE: This end and this end.

MR. NUGENT: Eventually it will end up at the curb?

MR. YANNONE: Yes.

MR. KRIEGER: It all runs toward the south?

MR. BABCOCK: Toward the south, correct, right.

MR. KRIEGER: You're not changing the surface of the ground in any way?

MR. YANNONE: No.

MR. KRIEGER: So the runoff would be substantially as it is now?

MR. YANNONE: Same thing, I mean this area of water is going to be controlled with a gutter.

MR. KRIEGER: It won't block traffic or interfere with the traffic, the flow?

MR. YANNONE: No, none would whatsoever, they had it so it came down on the island pads. I didn't want it in the middle because it freezeups.

MR. KRIEGER: You want it away to avoid any freezing problems?

MR. YANNONE: Yes.

MR. KANE: So even though this hardship is self-created, you're making an improvement on the existing conditions that are on the location?

MR. YANNONE: Yes.

MR. TORLEY: And the canopy improves health and safety.

MR. KRIEGER: Even the improvement on the design of the canopy because you have changed the water flow as you just described.

MR. YANNONE: Yes.

MR. KRIEGER: An improvement on an improvement.

MR. YANNONE: I don't know why I didn't think of that, it only makes sense if it comes on the concrete, it's going to freeze.

MR. KANE: Accept a motion?

MR. NUGENT: I will.

MR. KANE: I move we approve the variance for Vincent Yannone for his canopy at the service station at 2894 Route 9W.

MR. REIS: Second it.

ROLL CALL



December 8, 1997

14

MR. TORLEY  
MR. KANE  
MR. REIS  
MR. NUGENT

AYE  
AYE  
AYE  
AYE

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 97-43

Date: \_\_\_\_\_

I. ✓ Applicant Information:

- (a) Vincent Vonnore 2894 Rt. 9W New Windsor 562-2311  
(Name, address and phone of Applicant) (Owner)
- (b) N/A  
(Name, address and phone of purchaser or lessee)
- (c) N/A  
(Name, address and phone of attorney)
- (d) GRAVAS/HINDRICH, L.S.P.C. 33 QUASSACK AVE NEW WINDSOR 562-8667  
(Name, address and phone of ~~contractor/engineer/architect~~  
SURVEYOR)

II. Application type:

- ( ) Use Variance ( ) Sign Variance
- (X) Area Variance ( ) Interpretation

III. ✓ Property Information:

- (a) NC 2894 Rt. 9W 37-1-16.1 0.60 Ac.  
(Zone) (Address) (S B L) (Lot size) 26,200 S.F.
- (b) What other zones lie within 500 ft.? R 5
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? Jan 1982
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no  
If so, when? N/A
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: TRAILERS, TEMPORARY VEHICLE STORAGE, MISCELLANEOUS EQUIPMENT - ALL IN CONJUNCTION WITH EXISTING PERMITTED USE. NO OTHER STORAGE PROPOSED

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>40'</u>	<u>10'</u>	<u>30'</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

NEED FOR VARIANCE RESULTED FROM MANDATE BY FEDERAL EPA FOR PUMP AND LINE UPGRADES. COMPLIANCE WITH FRONT YARD SETBACK WOULD REDUCE EFFECTIVE SPACE AVAILABLE ON SITE FOR CONTINUED PERMITTED USE CREATING A NEGATIVE ECONOMIC IMPACT ON ITS OPERATION

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<b>1. APPLICANT /SPONSOR</b> <u>VINCENT YONNONE</u>	<b>2. PROJECT NAME</b> <u>VINCENT YONNONE SITE PLAN</u>
<b>3. PROJECT LOCATION:</b> Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGE</u>	
<b>4. PRECISE LOCATION</b> (Street address and road intersections, prominent landmarks, etc., or provide map) <u>2894 ROUTE 9 W, NEW WINDSOR</u> <u>TAX MAP SECTION 37, BLOCK 1 LOT 16.1</u>	
<b>5. IS PROPOSED ACTION:</b> <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
<b>6. DESCRIBE PROJECT BRIEFLY:</b> <u>RE-LOCATION OF PUMP ISLAND AND CONSTRUCTION OF CANOPY</u> <u>FOR EXISTING GAS STATION</u>	
<b>7. AMOUNT OF LAND AFFECTED:</b> Initially <u>0.60</u> acres    Ultimately <u>0.60</u> acres	
<b>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <u>AREA VARIANCE REQUIRED FOR FRONT YARD SETBACK TO CANOPY</u>	
<b>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>RESIDENTIAL USE CONSISTS OF MOBILE HOME PARK</u>	
<b>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
<b>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
<b>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>N/A</u>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>VINCENT YONNONE</u> Date: <u>11/12/97</u>	
Signature: <u>William B. Nittner L.S., (PREPARER)</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

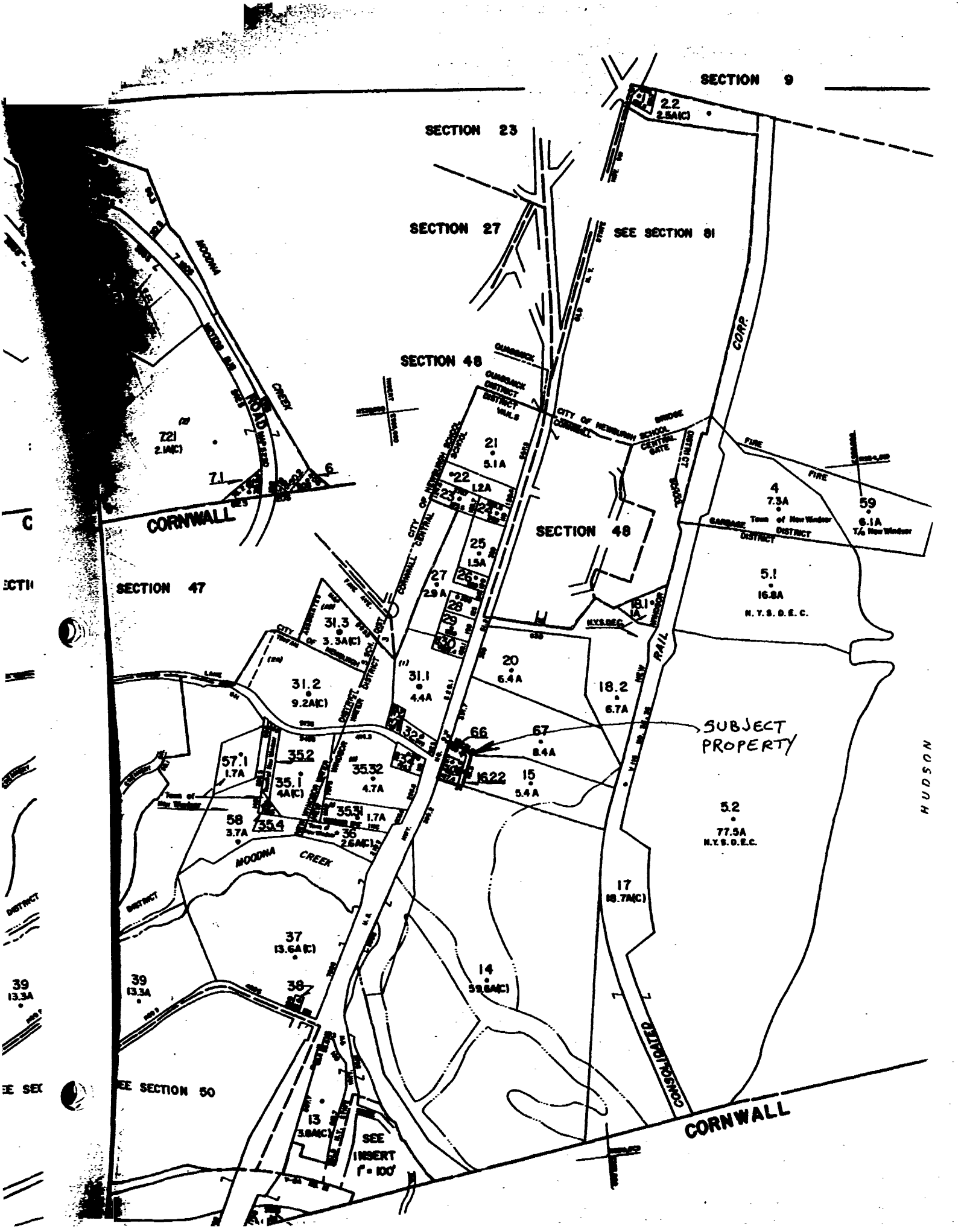
<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b>	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
_____ Date	





OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10-23-97

APPLICANT: VINCENT VONNONE  
2894 RT 9W  
NEW WINDSOR N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: 10-22-97

FOR (BUILDING PERMIT): TO INSTALL 24' X 26' CANOPY

LOCATED AT: 2894 RT 9W

ZONE: NC

DESCRIPTION OF EXISTING SITE: SECTION 37 BLOCK 1 LOT 16.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

  
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: <u>NC</u> USE <u>B-7</u>		<u>(MP)</u>
MIN. LOT AREA	<u>REVISED 11-19-92</u>	
MIN. LOT WIDTH	<u>10'</u>	<u>30'</u>
REQ'D FRONT YD <u>40' FT</u>	<u><del>11' FT</del> *</u>	<u><del>29' FT</del> *</u>
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

\* REVISED TO 10' AND 30' FOLLOWING PROPERTY SURVEY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

**IMPORTANT**

**YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Vincent Vannone

Address 2894 Rt. Phone 562-9580

Mailing Address \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor E.P. Loupart & Sons INC.

Address P.O. Box 511 Chester N.Y. 10918 Phone 783-4628

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. 

FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

1. On what street is property located? On the E side of RT 9W  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated NC Is property a flood zone? Y N K K

3. Tax Map Description: Section 37 Block 1 Lot 16.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy GAS STATION + REPAIR GARAGE b. Intended use and occupancy GAS STATION + REPAIR GARAGE

5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐

6. Is this a corner lot? \_\_\_\_\_

24' X 26' CANOPY

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_  
Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_  
If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee 50.00/100

(To be Paid on this Application)

11. School District \_\_\_\_\_

*Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.*

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi,  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4618 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**REFER TO:**

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

**PLOT PLAN**

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

W

E

S

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 16<sup>th</sup> day of February, nineteen hundred and Eighty-two  
BETWEEN WILLIAM T. WILSON, residing at No No. Rte. 9W, Cornwall,  
New York,

party of the first part, and VINCENT J. YONNONE, residing at 82 Merline Avenue,  
New Windsor, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN and 00/100-----(\$10.00)-----dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the

ALL that certain piece or parcel of land lying, situate and  
being in the Town of New Windsor, County of Orange and State of  
New York, known and designated as Parcel #4, and shown on a map  
entitled "Lands of W.T. Wilson", dated August 6, 1975, prepared  
by Theodore Jargstorff, P.L.S. and filed in the Orange County  
Clerk's Office on September 23, 1975 as map number 3563, and being



BEGINNING at a steel spike on the easterly line of New York State Route 9W and at the southwesterly corner of lands now or formerly of the 9W Tennis Club, Inc.; and running thence, along the easterly line of said Route 9W the following two (2) courses;

- 1) S 32° 50' W 204.51' to an iron rod;
- 2) S 38° 20' W 25.0' to an iron pipe at the northwesterly corner of lands now or formerly of Ralph and Ruth Shorter; thence, along the line of lands of said Shorter, S 57° 10' E 127.39' to an iron pipe; thence, along the line of lands of William T. Wilson, N 32° 20' E 185.68' to a steel spike in a tree root on the southerly line of lands of said 9-W Tennis Club; thence, along said line the following two (2) courses;

- 1) N 24° 28' W 32.0' to a steel spike;

- 2) N 41° 50' W 100.0' to the point or place of beginning.

Containing 26,260 square feet of land more or less.

\*

BEING a part of the premises conveyed from Ralph S. Shorter and Ruth M. Shorter to William T. Wilson by deed dated October 6, 1954 and recorded in the Orange County Clerk's Office in Liber 1323 of Deeds at Page 142 on October 8, 1954.

Together with the right to repair and place a water line as same now exists on and from the lands now or formerly of the 9-W Tennis Club, Inc. to the subject premises.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.


**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

**IN PRESENCE OF:**

  
\_\_\_\_\_  
**WILLIAM T. WILSON**

**LIBER 2216 PG 629**

STATE OF NEW YORK, COUNTY OF ORANGE

281

On the 16<sup>th</sup> day of February 19 82, before me personally came WILLIAM T. WILSON

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*J. Tad Seaman*

J. TAD SEAMAN  
Notary Public, State of New York  
Residence on Appointment-Orange County  
Commission Expires March 30, 1983  
No. 4500627

STATE OF NEW YORK, COUNTY OF

282

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

283

On the day of 19 , before me personally came

LIBER 2216 PG 630

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

284

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

WILLIAM T. WILSON

TO

VINCENT J. YONNONE

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

JOHN G. STANTON  
BOX 4301  
NEW WINDSOR, N.Y.  
Zip No.

9350  
101

See N-Sale

Reserve this space for use of Recording Office.

RECEIVED  
\$ 13.50  
REAL ESTATE  
FEB 18 1982  
TRANSFER  
ORANGE  
COUNTY

Orange County Clerk's Office, S.S.  
Recorded on the 18th day  
of February 1982 at 9:05  
o'clock A.M. in Liber 27716  
Books at Page 638  
and Examined.  
Marion S. Murphy  
Clerk

# ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

WILLIAM T. WILSON

TO

VINCENT J. YONNONE

RECORD AND RETURN TO:

(Name and Address)

J. TAD SEAMAN, ESQ.

542 Union Avenue

New Windsor, New York 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 055076 DATE 3-31-88 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove  
CH22 Chester  
CO24 Cornwall  
CR26 Crawford  
DP28 Deepark  
GO30 Goshen  
GR32 Greenville  
HA34 Hamptonburgh  
HL36 Highland  
MK38 Minisink  
ME40 Monroe  
MY42 Montgomery  
MH44 Mount Hope  
NT46 Newburgh (T)  
NW48 New Windsor ☒  
TU50 Tuxedo  
WL52 Walkill  
WK54 Warwick  
WA56 Wawayanda  
WO58 Woodbury  
MN09 Middletown  
NC11 Newburgh  
PJ13 Port Jarvis  
9999 Hold

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ 12-

RECORD. FEE \$ 14-

REPORT FORMS \$ 5-

CERT. COPIES \$ \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 19<sup>th</sup> day of April 19 88 at 2:35  
O'Clock P M. in Liber/Film 2925  
Deed at page 154 and examined.

Marion S. Murphy  
County Clerk

9:30 20	RECEIVED
	<u>12-</u>
	REAL ESTATE
	APR 19 1988
TRANSFER TAX	
ORANGE COUNTY	

14  
D27-15626.1

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 31st day of march, nineteen hundred and Eighty-eight  
BETWEEN WILLIAM T. WILSON, residing at Rte. 9W Bypass, Cornwall, New York 12518

party of the first part, and VINCENT J. YONNONE, residing at 82 Merline Avenue,  
New Windsor, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

ONE and 00/100-----(\$1.00)----- dollars,  
and other good and valuable consideration  
lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, and more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of lands now or formerly Washburn, as described in Deed Liber 2243 at Page 1090, said point also being the most southeasterly corner of lands now or formerly Vincent J. Yonnone, as described in Deed Liber 2216 at Page 628, said point being S 57 degrees 10' 00" E 127.39 feet, from the easterly line of New York State Route 9W, and running thence;

(1) N 32 degrees 29' 00" E 185.68 feet, along the said lands of Yonnone, to a spike, thence;

(2) N 24 degrees 28' 00" W 32.00 feet, along the same, to a point, thence;

(3) S 34 degrees 19' 40" E 56.55 feet, along the lands now or formerly Plant and Logane, as described in deed liber 2390 at page 243, to a point, thence;

(4) S 32 degrees 41' 45 " W 181.01 feet, along lands now or formerly Paradise Park, Inc., as described in Deed Liber 2298, at page 398, to a point, thence;

(5) N 57 degrees 10' 00" W 24.00 feet, along the aforesaid lands of Washburn, to the point or place of Beginning.

BEING the same premises conveyed in a Deed dated, October 6, 1954 from Ralph S. Shorter and Ruth Shorter to William T. Wilson which Deed was recorded in the Orange County Clerk's Office on October 8, 1954 in Liber 1323 of Deeds at Page 142.

7a  
SEC. 37 BL. 1 LOT 16.22



**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.  
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
WILLIAM T. WILSON

## STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 3rd day of March 19 88, before me personally came WILLIAM T. WILSON

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Donna J. LaPierre*

DONNA J. LaPIERRE  
Notary Public, State of New York

Residence on Appointment

Orange County

Commission Expires January 31, 19 89

## STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he is the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

## STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came \_\_\_\_\_

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

## STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came \_\_\_\_\_ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he knows \_\_\_\_\_

\_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw \_\_\_\_\_ execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

**TITLE No.**

WILLIAM T. WILSON

TO

VINCENT J. YONNONE

**SECTION**

**BLOCK**

**LOT**

**COUNTY OR TOWN**

**RETURN BY MAIL TO:**

Zip No.

*Reserve this space for use of Recording Office.*

LIBER 2925 PG 127

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Vincent Yonnone,  
Applicant.

#97-43

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**

**) SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

**That on 11/19/97, I compared the 9 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.**

Patricia A. Barnhart  
Patricia A. Barnhart

**Sworn to before me this  
19<sup>th</sup> day of November, 1997.**

Deborah Green  
Notary Public

**DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999**



1763

**TOWN OF NEW WINDSOR**  
**ASSESSOR'S OFFICE**  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553-6196  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

9

November 4, 1997

Mr. Vincent Yonnone  
c/o Yonnone's Auto Repair  
2894 Route 9W  
New Windsor, NY 12553

Re: Tax Map Parcel #37-1-16.1

Dear Mr. Yonnone:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, which is covered by your deposit paid on 10/28/97.

Sincerely,

*Leslie Cook po*  
LESLIE COOK  
Sole Assessor

/po  
Attachment

cc: Pat Barnhart, ZBA

Scenic Hudson Land Trust, Inc.,  
9 Vassar St.  
Poughkeepsie, NY 12601 X

Paradise Park, Inc.  
c/o Mannix Associates X  
126 Turner Road  
Pearl River, NY 10965

Tarsio Realty Associates  
c/o Pat Tarsio Lanes X  
115-119 So. Plank Rd.  
Newburgh, NY 12550

Bonura, Mary E.  
2975 Route 9W X  
New Windsor, NY 12553

Bonura, Joseph X  
2975 Route 9W  
New Windsor, NY 12553

Windsor Enterprises, Inc. X  
PO Box 928  
Vails Gate, NY 12584

Town of New Windsor X  
555 Union Ave.  
New Windsor, NY 12553

Saw Mill Sports Mgmt. Corp. X  
2902 Route 9W  
New Windsor, NY 12553

Plant, Edward R. &  
Robert H. Logan X  
31 Merritt St.  
Port Chester, NY 10573

Pls. publish immediately. Send bill to: Applicant @ below address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 97-43

Request of VINCENT YONNONE

for a VARIANCE of the Zoning Local Law to permit:

CONSTRUCTION OF 24' x 26' CANOPY WITHIN A FRONT YARD  
SET BACK IN NC ZONE

being a VARIANCE of Section 48-12 BULK REGULATIONS  
(USE B7) COLUMN E

for property situated as follows:

2894 ROUTE 9W NEW WINDSOR

known as tax lot Section 37 Block 1 Lot 16.1

SAID HEARING will take place on the 8<sup>th</sup> day of December,  
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT  
Chairman

By: Patricia A. Barnhart, Secy.



Date 11/6/97, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Drury Ln DR.  
Newburgh NY 12550

DATE			CLAIMED	ALLOWED
10/27/97	Zoning Board Mtg		75 00	
	Misc - 1			
	Walsh - 4			
	Jaczko - 2			
	Vandermass - 2			
	Mobil Oil - 6			
	Polyworks - 9			
	Wannone - 3	\$13.50		
	Metaling - <del>20</del> 14			
	Franklin/Destinta - 8		243 00	
		54		
			318 00	

YONNONE, VINCENT

MR. NUGENT: Request for 29 ft. front yard variance to install canopy at service station located on east side of Route 9W in NC zone.

Mr. Vincent Yannone appeared before the board for this proposal.

MR. YANNONE: What I am going to do is I have got to update the gas pumps at my gas station. I'm going to move this island here that is there now back so the canopy won't exist where it is now further away from 9W. I can't go back no further cause my gas tanks are here and the truck won't be able to get out and this one, I'm taking that pump straight out.

MR. NUBENT: You're only going to have one set of pumps?

MR. YANNONE: Yes.

MR. NUGENT: You're moving this back?

MR. YANNONE: Yes, see this is where my pumps are right now, they are 11 feet from the state line, I'm going to move them back eight feet so when I put the canopy up it will overcome what I have got now.

MR. NUGENT: Eliminate one set.

MR. BABCOCK: There should be two surveys there, one that is--

MR. TORLEY: I see one survey showing two sets of pump islands, he's taking this one out and moving this one back?

MR. BABCOCK: This one's going to be removed completely.

MR. TORLEY: Now, what do we call pumps as far as buildings, their front yard looks like he is not going as close as he used to be.

October 27, 1997

26

MR. BABCOCK: I guess we're one foot closer just the way that it is. I think the canopy was determined by this board to be a permanent structure, that is why I need to meet the front yard requirement.

MR. TORLEY: If he was going any further than the old pumps used to be, maybe he wouldn't need need the variance.

MR. NUGENT: Mike, didn't he get a variance for this before for the existing canopy?

MR. BABCOCK: No, there's no canopy there. This as you can see every project that wants, every gas station that wants to put a canopy up is in here for a variance because of the front yard.

MR. NUGENT: Too close to the road.

MR. TORLEY: That is why I was hoping this gentleman's canopy wasn't going to be closer than the old pumps.

MR. NUGENT: It's not.

MR. TORLEY: By the sketch it's not.

MR. BABCOCK: It's one foot.

MR. BABCOCK: Well, I think the other thing Jim is that we considered the pumps an accessory structure and the canopy as the principle structure.

MR. NUGENT: I don't have anymore questions.

MR. REIS: I have got a quick question, Vince, not in opposition to what you're trying to accomplish, but is there a smaller canopy available that you could accomplish the same thing?

MR. YANNONE: Yeah, but I have to spread them apart, one's self-service and one is service but under one canopy and that was actually the smallest one I could get.

MR. BABCOCK: He would have to make it 6 foot narrower

October 27, 1997

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and it would cover the pumps.

MR. REIS: Wouldn't be effective though, thank you.  
Accept a motion?

MR. NUGENT: Yes.

MR. REIS: Make a motion that we set up Mr. Vincent  
Yannone for his requested variance.

MS. OWEN: I second it.

ROLL CALL

MR. REIS	AYE
MS. OWEN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: When you come back, if you would address  
yourself to the criteria set forth on that sheet. That  
is the, those are the criteria that the state requires  
that the zoning board of appeals must consider. Also I  
would like to look at your deed and your title policy,  
I don't need to keep them, just look at them. I will  
give them right back to you.

MR. YANNONE: Okay.



MOBILE HOME

MOBILE HOME

S 32°41'45" W 181.01'

DITCH LINE

CHAIN LINK FENCE

SEC 37 BLK 1 LOT 16.22

N 32°20'00" E 185.68'

SEC 37 BLK 1 LOT 16.1

TAX PARCEL LINE

PAVED STORAGE AREA

PAVED STORAGE AREA

EXISTING FRAME BUILDING

UNDER GROUND TANK AREA

GUY POLE

PROANE TANK ENCLOSURE

LAMP POST (TYP)

PAVED PARKING AREA

EDGE PAVEMENT

S 34°19'40" E 56.55'

W 24°28'00" W 52.00'

WATER METER PIT

PAVED STORAGE AREA

GATE

CONC. CURB

EXISTING GARAGE CONCRETE BLOCK BUILDING

CONC. WALK

3.0'

15.2'

2.8'

SIGN POST

TEL. BOOTH

CONC. CURB

PAVED SHOULDER

N 32°50'00" E 204.51'

UTILITY POLE (TYP)

34'

TO WHITE LINE

GUY WIRE

EXIST. PUMP ISLAND TO BE REMOVED

PROPOSED CANOPY

26'-4"

24'-4"

10.0'

PROPOSED PUMP ISLAND

N 38°20'00" E 25.00'

PAVED SHOULDER

EDGE CONCRETE HIGHWAY

EDGE PAVEMENT

CHAIN LINK FENCE

127.39'

151.39'

N 57°10'00" W

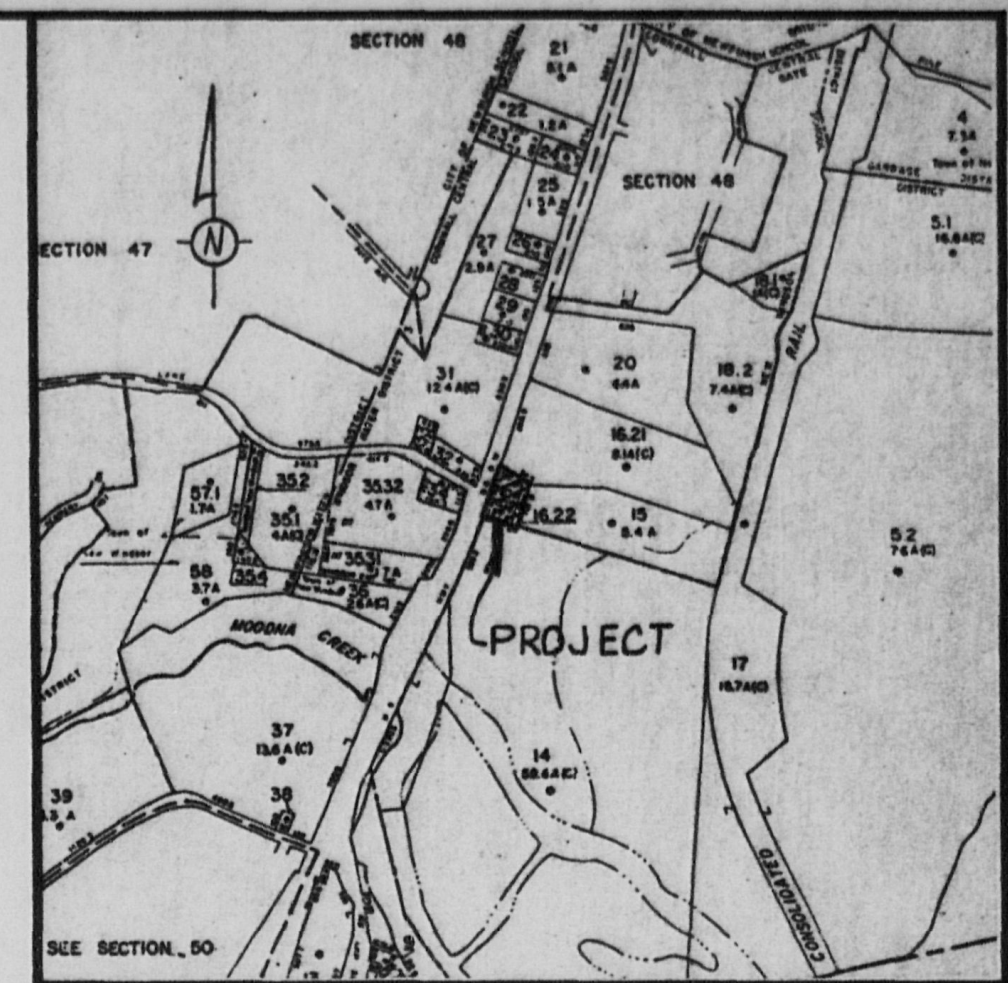
SIGN POST

N/F WASHBURN L.2243 P.1090 SEC 37 BLK 1 LOT

N.Y.S. ROUTE 9W

EDGE CONCRETE HIGHWAY

LOT AREA	15,000 S.F.
LOT WIDTH	125'
FRONT YARD SETBACK	40'
SIDE YARD SETBACK	15'/30'
BUILDING HEIGHT	23'
FLOOR AREA RATIO	0.5



LOCATION PLAN SCALE 1"=800'±

1. BEING A PROPOSED IMPROVEMENT OF LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 37 BLOCK 1 LOT 16.1, PARCEL SHOWN INCLUDES TAX MAP SECTION 37 BLOCK 1 LOT 16.22 WHICH IS UNDER THE OWNERSHIP OF THE APPLICANT.  
DEED OF RECORD TAX LOT 16.1: LIBER 2216 PAGE 628  
DEED OF RECORD TAX LOT 16.22: LIBER 2925 PAGE 124
2. OWNER/APPLICANT: VINCENT J. YONNONE  
2894 ROUTE 9W  
NEW WINDSOR, NEW YORK 12553
3. PROPERTY ZONE: NC USE B-7  
GASOLINE FILLING STATION AND REPAIR GARAGE
4. IMPROVEMENTS CONSIST OF RE-LOCATING PUMP ISLAND AND CONSTRUCTION OF CANOPY OVER PUMPS.
5. THIS PLAN RESULTED FROM A FIELD SURVEY PERFORMED UNDER THE SUPERVISION OF THE UNDERSIGNED AND COMPLETED ON 12 NOVEMBER 1997.
6. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES.
7. UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

THIS PROPERTY HAS BEEN UNDER THE OWNERSHIP OF THE APPLICANT SINCE 1982. IT CONSISTS OF A PERMITTED USE IN THE ZONE IN WHICH IT RESIDES. THIS PLAN WAS PREPARED FOR THE PURPOSE OF APPLICATION TO THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS TO OBTAIN A FRONT YARD VARIANCE FOR THE CONSTRUCTION OF A CANOPY OVER RE-LOCATED GAS PUMPS. THE FRONT YARD REQUIREMENT IS 40' AND THE APPLICANT SEEKS TO CONSTRUCT CANOPY 10' FROM THE FRONT PROPERTY LINE. ANY AND ALL OTHER NON-CONFORMING AREA REQUIREMENTS PRE-DATE CURRENT TOWN OF NEW WINDSOR ZONING LAW.



PLAN FOR:	<i>VINCENT J. YONNONE</i>	
TOWN OF NEW HINDS	ORANGE COUNTY	NEW YORK
Drawn: WSH	<i>SITE PLAN</i>	
Checked:		
Scale: 1"=20'		
Date: 13 Nov. 1997		
Job No: 97-093		